

Ordinance No. 49-395

**AN ORDINANCE OF THE CITY OF WICHITA  
ESTABLISHING THE MAIZE 54 REDEVELOPMENT DISTRICT**

WHEREAS, the provisions of K.S.A. 12-1771, as amended, set forth the procedure for the establishment of a redevelopment district for certain purposes in eligible areas; and

WHEREAS, the Governing Body of the City of Wichita, by Resolution No. R 12-230 dated October 16, 2012, has given notice of its consideration of the establishment of a redevelopment district and described a proposed district plan that identifies all of the proposed redevelopment project areas along with a general description of the buildings and facilities to be constructed or improved; and

WHEREAS, the Maize 54 Redevelopment District area appears to qualify as an eligible area as a “blighted area” under the provisions of K.S.A. 12-1770a, as amended, in that a majority of the property in the proposed district has been identified by a Kansas licensed professional engineer and the United States federal emergency management agency as existing in the 100-year flood-plain; and

WHEREAS, the Governing Body of the City of Wichita, finds and determines that the conservation, development or redevelopment of the area is necessary to promote the general and economic welfare of the City; and

WHEREAS, a public hearing required by K.S.A. 12-1771, as amended has been held and concluded; and

WHEREAS, the Governing Body of the City of Wichita desires to establish a redevelopment district that encompasses the Maize 54 Redevelopment District area;

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF  
THE CITY OF WICHITA, KANSAS:**

Section 1. The Governing Body hereby finds and determines that the Maize 54 Redevelopment District area qualifies as an eligible area as a “blighted area” under the provisions of K.S.A. 12-1770a, as amended, in that a majority of the property in the proposed district has been identified by a Kansas licensed professional engineer and the United States Federal Emergency Management Agency as existing in the 100-year flood-plain.

Section 2. The conservation, development or redevelopment of the District is necessary to promote the general and economic welfare of the city. Therefore, a redevelopment district is hereby established that shall hereafter be designated the Maize 54 Redevelopment District, the description and boundaries of such redevelopment

district in the City of Wichita, Sedgwick County, Kansas, are set forth in Exhibit “A” attached hereto and incorporated herein by reference. A map generally outlining the boundaries of the Maize 54 Redevelopment District is attached hereto as Exhibit “B” and incorporated herein by reference.

Section 3. The redevelopment district plan identifying all the proposed redevelopment project areas along with a general description of the buildings and facilities that are proposed to be constructed or improved in each redevelopment project area is adopted as the redevelopment district plan for the Maize 54 Redevelopment District, and is set forth in Exhibit “C” attached hereto and incorporated herein by reference.

Section 4. This ordinance shall be in force and effect from and after its passage, approval, and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 4th day of December, 2012.

ATTEST:

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Karen Sublett, City Clerk

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Carl Brewer, Mayor

Approved as to Form:

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Gary E. Rebenstorf, City Attorney

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

Beginning at a point of intersection with the south right of way line of Hayden Street and the west right of way line of Maize Road; thence east to the east right of way line of Maize Road; thence south on the said east right of way line of Maize Road to a point of intersection with the north line of the SW  $\frac{1}{4}$ , Section 29, Township 27 South, Range 1 West of the 6<sup>th</sup> P.M.; thence east on said north line of said SW  $\frac{1}{4}$  for a distance of 1,488.72 feet to a point of intersection with the east line of a tract of land described in Condemnation Case 06CV-3456; thence south on the east line of said Condemnation Case 06CV-3456 to a point of intersection with the north line of Miles Lakewood Village Second Addition, Wichita, Sedgwick County, Kansas; thence west on said north line of said Miles Lakewood Village Second Addition to the northwest corner of said Addition; thence south on the west line of said Miles Lakewood Village Second Addition to a southwest corner of said Addition; thence east on a south line of said Miles Lakewood Village Second Addition to a corner of said Addition; thence south on a west line of said Miles Lakewood Village Second Addition to a point of intersection with a northeast corner of Maize 54 Addition, Wichita, Sedgwick County, Kansas; thence south on the east line of said Maize 54 Addition to a point of intersection with the north right of way line of Kellogg Drive; thence southwesterly on a south line of said Maize 54 Addition 419.31 feet to a corner in said Maize 54 Addition; thence south on an east line of said Maize 54 Addition 125 feet to a corner of said Maize 54 Addition, said corner being on the north right of way line of Kellogg Drive; thence continuing south for a distance of 95 feet more or less to the south right of way line for Kellogg Drive; thence west on said south right of way line of Kellogg Drive to the a point of intersection with the west right of way line extended of Maize Road; thence north on the west right of way of Maize Road to point lying 770.16 feet south of the northeast corner of the SE  $\frac{1}{4}$ , Section 30, Township 27 South, Range 1 West of the 6<sup>th</sup> P.M.; thence west for a distance of 380 feet; thence northwesterly to a point lying 670.14 feet south of and 474 feet west of said northeast corner of said SE  $\frac{1}{4}$ , Section 30, Township 27 South, Range 1 West; thence west 526 feet; thence north 335.08 feet; thence west 290 feet to the east line of Lark Lane; thence north along the east line of Lark Lane to a point of intersection with the south right of way line of Hidden Valley Road; thence east on the south right of way line of Hidden Valley Road to a point of intersection with the west right of way line of Maize Road; thence north on the west right of way line of Maize Road to the point of beginning.

# EXHIBIT "B"

## Proposed Maize 54 Redevelopment District

City of Wichita, Kansas

Proposed  
Maize 54  
Redevelopment  
District

Property Parcels outside  
Maize 54 Redevelopment  
District

Property Parcels inside  
Maize 54 Redevelopment  
District

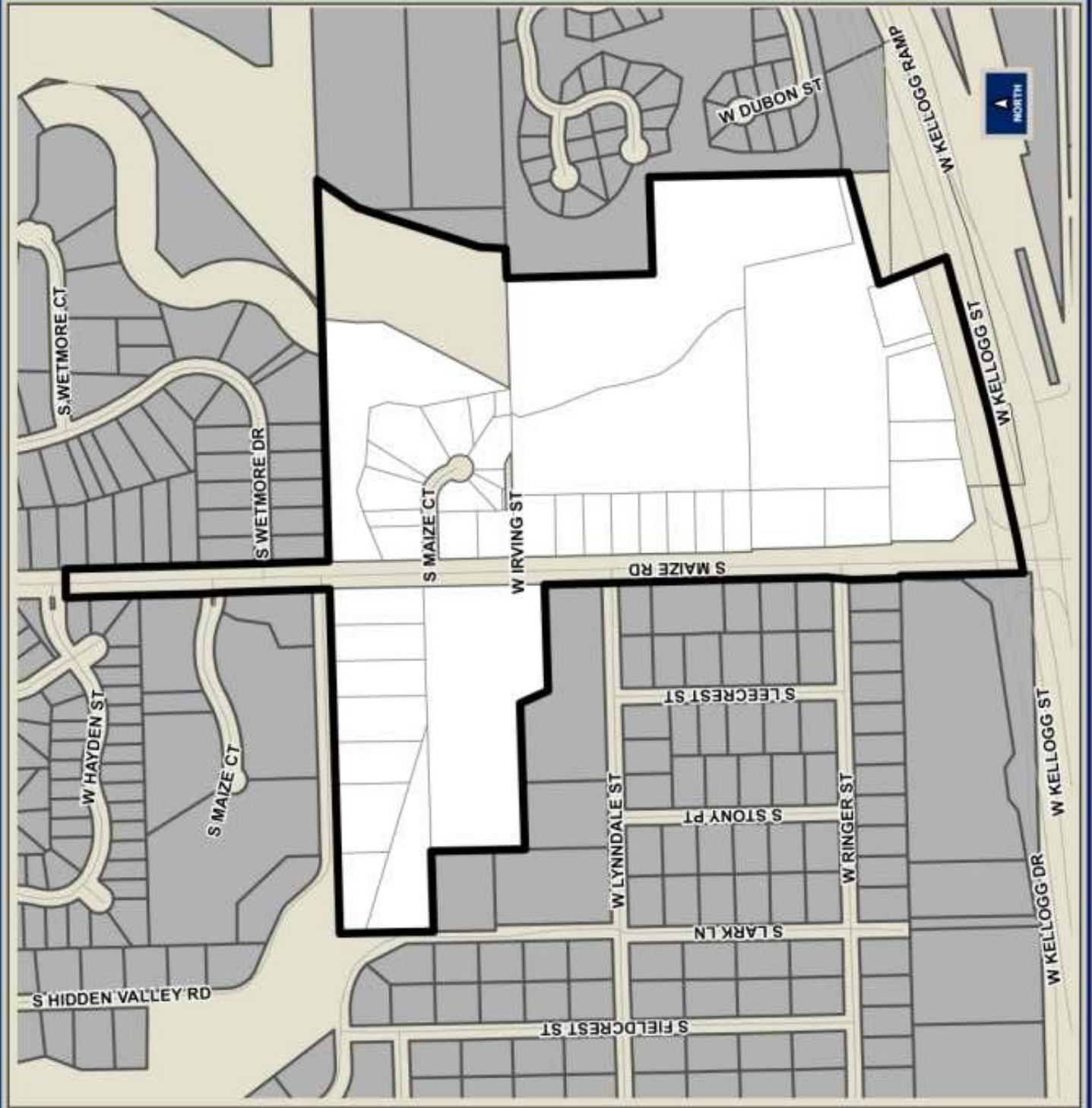
Software: ArcGIS 9.3.1  
Hardware: Dell Xeon  
Printer: HP 5020 Plotter

Map Data Source:  
Property Parcels  
provided by  
Sedgewick County GIS

Road Centerlines  
provided by  
City of Wichita

Created: August 7, 2012 9:17:22 PM  
At: \\giswch\Projects\GIS\Projects\GIS\MapServer\

It is understood that when the City of Wichita Data Center  
is upgraded, the data will be updated to reflect the  
latest information. The City of Wichita is not responsible  
for any errors or omissions in the data map. The Data Center is the  
authoritative source of the data.



**EXHIBIT C**  
**REDEVELOPMENT DISTRICT PLAN FOR THE REDEVELOPMENT**  
**OF THE MAIZE 54 REDEVELOPMENT DISTRICT**  
**THROUGH TAX INCREMENT FINANCING**

**November 20, 2012**

**SECTION 1: PURPOSE**

A district plan is required for inclusion in the establishment of a redevelopment district under K.S.A. 12-1771. The district plan is a preliminary plan that identifies proposed redevelopment project areas within the district, and describes in a general manner the buildings, facilities and improvements to be constructed or improved.

**SECTION 2: DESCRIPTION OF TAX INCREMENT INCOME**

Projects financed through tax increment financing typically involve the creation of an “increment” in real estate property tax income. The increment is generated by segregating the assessed values of real property located within a defined geographic area such that a portion of the resulting property taxes flow to the City to fund projects in the redevelopment district, and the remaining portion flows to all remaining taxing jurisdictions. The portion of property taxes flowing to the City is determined by the increase in the assessed value of the properties within the redevelopment district as a result of the new development occurring within the same area. When the current aggregate property tax rates of all taxing jurisdictions are applied to this increase in assessed property value from new development, increment income is generated. Public improvements within the district and other qualified expenditures are funded by the City and repaid over a specified period of time with this increment income. The property taxes attributable to the assessed value existing prior to redevelopment, the “original valuation,” continue to flow to all taxing jurisdictions just as they did prior to redevelopment. This condition continues for the duration of the established district, as defined by statute, or until all eligible project costs are funded, whichever is of shorter duration.

**SECTION 3: DESCRIPTION OF THE DISTRICT BOUNDARIES**

The property within the proposed district is generally located North of Kellogg Street and east of Maize Road; it includes approximately 86.5 acres, in Wichita, Sedgwick County, Kansas; and including all street rights of way within such described areas. The legal description of the proposed district is attached hereto and incorporated herein as Attachment 1.

**SECTION 4: BUILDINGS AND FACILITIES**

The proposed redevelopment district is an area that meets the criteria for designation as a “blighted area” as defined by state law governing the establishment and financing of redevelopment districts. Property within a blighted area is legally eligible for establishment of a redevelopment district.

Under the state statutes (K.S.A. 12-1770, et. seq.) an “eligible area” for tax increment financing may include any area defined as a blighted area. The statutory definition of “blighted area” includes any area in which a majority of the property lies within the 100-year floodplain (KSA 12-1770(c) (3)). It has been determined that the majority of the proposed Project Area property lies within the 100-year floodplain following an engineer’s review of the flood plain map.

## **SECTION 5: REDEVELOPMENT AND PROJECT AREAS**

It is anticipated that property within district will be redeveloped in multiple phases and each phase will be designated as a separate “project area” under a separate project plan, which must be adopted by the City Council by a 2/3 majority vote for each phase before the expenditure of any tax increment financing funds. The Phasing of the project areas is notionally depicted in Attachment 2 attached hereto. The plans for redevelopment of the district generally call for development of all 86.5 acres into a mixed use development anchored by the Bowllagio, a family entertainment center with bowling as the primary attraction, coupled with a restaurant and bar operation and state-of-the-art gaming attractions. In addition to the Bowllagio, the development is anticipated to include hotels, restaurants and retail shops.

In addition to above stated development plan for redevelopment of the area, , the City will stipulate uses of tax increment financing in the project plans for each phase that an amount equal to sixty-five percent (65%) of the tax increment realized from taxpayers in the district shall be allocated by the County Treasurer to the City to finance authorized project costs and the remainder shall be allocated and paid to taxing districts in the same manner as other ad valorem taxes. Tax increment financing will be used solely to finance costs directly associated with drainage-related public improvements located within the Redevelopment District.

## **SECTION 6: CONCLUSION**

After the establishment of the redevelopment district, any redevelopment projects to be funded with tax increment financing will be presented to the Governing Body for approval through the adoption of a Redevelopment Project Plan. The Project Plan will identify the specific project area located within the established tax increment financing district and will include detailed descriptions of the projects as well as a financial feasibility study showing that the economic benefits out-weigh the costs. The Project Plan must be reviewed by the Metropolitan Planning Commission and submitted to a public hearing following further notification of property owners and occupants, before it can be adopted by a two-thirds majority vote of the Governing Body. Only then can tax increment income be spent on the redevelopment projects.

Tax increment financing does not impose any additional taxes on property located within the redevelopment district. All property within the district is appraised and taxed the same as any other property. However, if property within the district increases in value as a result of redevelopment, the resulting increment of additional tax revenue is diverted to pay for a portion of the redevelopment costs.

## ATTACHMENT 1

### LEGAL DESCRIPTION

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## PROJECT DATA

ENTERTAINMENT  
RESTAURANT  
RETAIL/COMMERCIAL  
OFFICE  
HOSPITALITY  
PARKING GARAGE  
COMMERCIAL

PHASE BOUNDARY  
SUB-PHASE BOUNDARY

PHASE	SUB PHASE	ACRES	SITE SF	BUILDING SF
MORLAUD	SWIMMING	4.40 A	191,388 SF	910
	HOTEL	1.06 A	461,112 SF	910
	COMMERCIAL GARAGE	3.02 A	118,087 SF	50,000
			315,507 SF	1,310
SUBTOTAL MORLAUD		8.48 A	408,507 SF	1,810
	RESTAURANT 1	6.00 A	243,744 SF	6
	RESTAURANT 2	1.16 A	51,642 SF	5
		7.16 A	295,386 SF	11
	RESTAURANT 3	6.00 A	243,744 SF	6
	RESTAURANT 4	1.06 A	461,112 SF	910
	COMMERCIAL	4.06 A	182,228 SF	210
	COMMERCIAL GARAGE	2.26 A	88,442 SF	50,000
			654,514 SF	830
SUBTOTAL H. MAIZE COMMERCIAL	OFFICE 1	7.00 A	214,844 SF	610
	OFFICE 2	1.70 A	70,311 SF	400
	OFFICE 3	2.20 A	90,871 SF	400
		10.90 A	375,966 SF	1,410
	RESTAURANT 1	6.00 A	243,744 SF	6
	RESTAURANT 2	6.00 A	243,744 SF	6
	COMMERCIAL GARAGE	3.00 A	118,087 SF	50,000
			505,576 SF	1,620
SUBTOTAL		6.26 A	249,548 SF	140
	TOTAL	23.08 A	1,084,553 SF	2,002

